



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

JUN _ 3 2009

Reply To: OCE-133

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

William Riebesell, Plant Manager
Davisco Foods International, Inc. dba
Jerome Cheese Company
47 West 100 South
Jerome, Idaho 83338

Re: NPDES Permit Number ID0027600

Dear Mr. Riebesell:

On October 1, 2001, the U.S. Environmental Protection Agency (EPA) issued a National Pollutant Discharge Elimination System (NPDES) permit to the Jerome Cheese Company (Company), NPDES Permit Number ID0027600 (Permit). On April 2, 2009, EPA conducted an inspection of the Company and documented several areas of noncompliance with the Permit. EPA has also conducted a review of the discharge monitoring data from the Company to determine compliance with the Permit and noted a substantial number of noncompliance incidents with the Permit effluent limits.

During the April 2, 2009, inspection, the EPA inspector documented the following areas of noncompliance with the Permit.

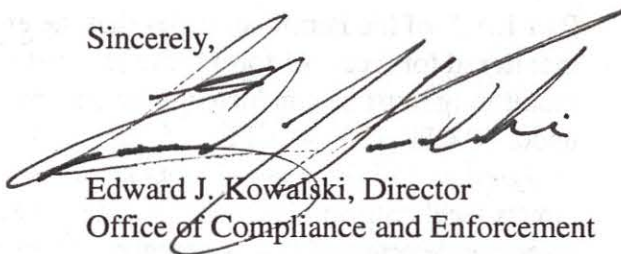
1. Part 1.A.1. of the Permit specifies that the effluent from the Company shall be monitored for fecal coliform bacteria. Part III.C. of the Permit specifies that the monitoring must be conducted in accordance with the test procedures approved under 40 CFR 136. 40 CFR 136 requires fecal coliform bacteria samples to be analyzed within six hours. The Quality Assurance Plan (QAP) for the Company directs fecal coliform bacteria samples to be analyzed within 48 hours. The EPA inspector determined that the fecal coliform bacteria samples were in fact being analyzed within six hours. The Company had failed to revise the QAP to reflect the correct requirement as required by Part I.C.4. of the Permit.
2. Part 1.B.6. of the Permit requires an Annual Water Quality Monitoring Summary Report. The annual reports for the years 2007 and 2008 were not submitted.

3. Part III.G.1.D. of the Permit states that the Company must report to EPA any violation of a maximum daily discharge limit for any of the pollutants in Table 1 of part 1.A. of the Permit within 24 hours of becoming aware of the violation. There have been numerous such violations. The Company has not provided the 24 hours report of any of these violations.
4. Part III.G.2. of the Permit states that the Company must provide a written submission within five days of the Company becoming aware of a daily maximum discharge violation for any of the pollutants in Table 1 of Part I.A. of the Permit. The Company has not provided the five day written submission for any such violations.
5. Part I.C. of the Permit specifies that the Company must develop a quality assurance plan for all monitoring required by the Permit. Part I.C.5. of the Permit requires the Company to keep a copy of the plan onsite. The Company did not have a copy of the plan for the ambient monitoring onsite. However, the plan was available at the Company's contract laboratory. The Company must keep a copy of the plan at the Company.

In addition to the violations of the Permit noted during the inspection on April 2, 2009, a review of the monthly discharge monitoring reports for the period from July 2006 to present resulted in the determination that the Company had over 2,000 exceedances of the Permit effluent limits for ammonia and phosphorus. The majority of the exceedances was for phosphorus. These exceedances are violations of Part I.A.1. of the Permit. The list of the violations is enclosed.

We strongly urge the Company to take immediate corrective measures to remedy the violations of the Permit identified above. Please be advised that this notice of violation may not constitute EPA's final response to the violations of the Permit identified in this notice. Should you have any questions or comments regarding this letter, please feel free to contact Chae Park, Compliance Officer, at (206) 553-1441.

Sincerely,



Edward J. Kowalski, Director
Office of Compliance and Enforcement

Enclosure

cc: Bill Allred, IDEQ-Twin Falls Regional Office

List of Permit Limit Exceedances for Jerome Cheese Company ID0027600

Date of Violation	Pollutant	Permit limit	Actual value	unit	Limit type
7/31/2006	Total Ammonia	8.2	9.3	mg/l	Monthly Avg
9/30/2006	Total Phosphorus	0	0.25	lbs/day	Daily Max
9/30/2006	Total Phosphorus	0	0.07	mg/l	Daily Max
9/30/2006	Total Phosphorus	0	0.25	lbs/day	Monthly Avg
9/30/2006	Total Phosphorus	0	0.07	mg/l	Monthly Avg
10/31/2006	Total Phosphorus	0	0.31	lbs/day	Daily Max
10/31/2006	Total Phosphorus	0	0.07	mg/l	Daily Max
10/31/2006	Total Phosphorus	0	0.31	lbs/day	Monthly Avg
10/31/2006	Total Phosphorus	0	0.07	mg/l	Monthly Avg
11/30/2006	Total Phosphorus	0	0.56	lbs/day	Daily Max
11/30/2006	Total Phosphorus	0	0.1	mg/l	Daily Max
11/30/2006	Total Phosphorus	0	0.56	lbs/day	Monthly Avg
11/30/2006	Total Phosphorus	0	0.1	mg/l	Monthly Avg
12/31/2006	Total Phosphorus	0	3.06	lbs/day	Daily Max
12/31/2006	Total Phosphorus	0	0.34	mg/l	Daily Max
12/31/2006	Total Phosphorus	0	3.06	lbs/day	Monthly Avg
12/31/2006	Total Phosphorus	0	0.34	mg/l	Monthly Avg
1/31/2007	Total Phosphorus	0	1.2	lbs/day	Daily Max
1/31/2007	Total Phosphorus	0	0.184	mg/l	Daily Max
1/31/2007	Total Phosphorus	0	1.2	lbs/day	Monthly Avg
1/31/2007	Total Phosphorus	0	0.184	mg/l	Monthly Avg
2/28/2007	Total Phosphorus	0	0.7	lbs/day	Daily Max
2/28/2007	Total Phosphorus	0	0.1	mg/l	Daily Max
2/28/2007	Total Phosphorus	0	0.7	lbs/day	Monthly Avg
2/28/2007	Total Phosphorus	0	0.1	mg/l	Monthly Avg
3/31/2007	Total Phosphorus	0	0.07	lbs/day	Daily Max
3/31/2007	Total Phosphorus	0	0.07	mg/l	Daily Max
3/31/2007	Total Phosphorus	0	0.08	lbs/day	Monthly Avg
3/31/2007	Total Phosphorus	0	0.07	mg/l	Monthly Avg
4/30/2007	Total Ammonia	33.9	40	lbs/day	Monthly Avg
4/30/2007	Total Phosphorus	0	0.66	lbs/day	Daily Max
4/30/2007	Total Phosphorus	0	0.66	lbs/day	Monthly Avg
5/31/2007	Total Phosphorus	0	0.05	lbs/day	Daily Max
5/31/2007	Total Phosphorus	0	0.05	mg/l	Daily Max
5/31/2007	Total Phosphorus	0	0.05	lbs/day	Monthly Avg
5/31/2007	Total Phosphorus	0	0.05	mg/l	Monthly Avg
6/30/2007	Total Phosphorus	0	0.05	lbs/day	Daily Max

6/30/2007	Total Phosphorus	0	0.05	mg/l	Daily Max
6/30/2007	Total Phosphorus	0	0.05	lbs/day	Monthly Avg
6/30/2007	Total Phosphorus	0	0.22	mg/l	Monthly Avg
7/31/2007	Total Phosphorus	0	1.77	lbs/day	Daily Max
7/31/2007	Total Phosphorus	0	0.66	mg/l	Daily Max
7/31/2007	Total Phosphorus	0	1.77	lbs/day	Monthly Avg
7/31/2007	Total Phosphorus	0	0.66	mg/l	Monthly Avg
8/31/2007	Total Phosphorus	0	1.44	lbs/day	Daily Max
8/31/2007	Total Phosphorus	0	0.73	mg/l	Daily Max
8/31/2007	Total Phosphorus	0	1.44	lbs/day	Monthly Avg
8/31/2007	Total Phosphorus	0	0.73	mg/l	Monthly Avg
9/30/2007	Total Phosphorus	0	0.38	lbs/day	Daily Max
9/30/2007	Total Phosphorus	0	0.6	mg/l	Daily Max
9/30/2007	Total Phosphorus	0	0.38	lbs/day	Monthly Avg
9/30/2007	Total Phosphorus	0	0.6	mg/l	Monthly Avg
10/31/2007	Total Phosphorus	0	0.2	lbs/day	Daily Max
10/31/2007	Total Phosphorus	0	0.06	mg/l	Daily Max
10/31/2007	Total Phosphorus	0	0.2	lbs/day	Monthly Avg
10/31/2007	Total Phosphorus	0	0.06	mg/l	Monthly Avg
11/30/2007	Total Phosphorus	0	0.4	lbs/day	Daily Max
11/30/2007	Total Phosphorus	0	0.33	mg/l	Daily Max
11/30/2007	Total Phosphorus	0	0.4	lbs/day	Monthly Avg
11/30/2007	Total Phosphorus	0	0.33	mg/l	Monthly Avg
12/31/2007	Total Phosphorus	0	0.25	mg/l	Daily Max
12/31/2007	Total Phosphorus	0	1.4	lbs/day	Daily Max
12/31/2007	Total Phosphorus	0	0.25	mg/l	Monthly Avg
12/31/2007	Total Phosphorus	0	1.4	lbs/day	Monthly Avg
1/31/2008	Total Phosphorus	0	0.14	mg/l	Daily Max
1/31/2008	Total Phosphorus	0	0.7	lbs/day	Daily Max
1/31/2008	Total Phosphorus	0	0.14	mg/l	Monthly Avg
1/31/2008	Total Phosphorus	0	0.7	lbs/day	Monthly Avg
2/29/2008	Total Phosphorus	0	0.2	lbs/day	Daily Max
2/29/2008	Total Phosphorus	0	0.06	mg/l	Daily Max
2/29/2008	Total Phosphorus	0	0.2	lbs/day	Monthly Avg
2/29/2008	Total Phosphorus	0	0.06	mg/l	Monthly Avg
3/31/2008	Total Phosphorus	0	0.9	lbs/day	Daily Max
3/31/2008	Total Phosphorus	0	0.22	mg/l	Daily Max
3/31/2008	Total Phosphorus	0	0.9	lbs/day	Monthly Avg
3/31/2008	Total Phosphorus	0	0.22	mg/l	Monthly Avg
4/30/2008	Total Phosphorus	0	1	lbs/day	Daily Max
4/30/2008	Total Phosphorus	0	0.22	mg/l	Daily Max
4/30/2008	Total Phosphorus	0	1	lbs/day	Monthly Avg

4/30/2008	Total Phosphorus	0	0.22	mg/l	Monthly Avg
5/31/2008	Total Phosphorus	0	0.48	lbs/day	Daily Max
5/31/2008	Total Phosphorus	0	0.2	mg/l	Daily Max
5/31/2008	Total Phosphorus	0	0.48	lbs/day	Monthly Avg
5/31/2008	Total Phosphorus	0	0.2	mg/l	Monthly Avg
6/30/2008	Total Phosphorus	0	0.8	lbs/day	Daily Max
6/30/2008	Total Phosphorus	0	0.29	mg/l	Daily Max
6/30/2008	Total Phosphorus	0	0.8	lbs/day	Monthly Avg
6/30/2008	Total Phosphorus	0	0.29	mg/l	Monthly Avg
7/31/2008	Total Phosphorus	0	1.3	lbs/day	Daily Max
7/31/2008	Total Phosphorus	0	0.59	mg/l	Daily Max
7/31/2008	Total Phosphorus	0	1.3	lbs/day	Monthly Avg
7/31/2008	Total Phosphorus	0	0.59	mg/l	Monthly Avg
8/31/2008	Total Phosphorus	0	1.94	lbs/day	Daily Max
8/31/2008	Total Phosphorus	0	0.57	mg/l	Daily Max
8/31/2008	Total Phosphorus	0	1.1	lbs/day	Monthly Avg
8/31/2008	Total Phosphorus	0	0.35	mg/l	Monthly Avg
9/30/2008	Total Phosphorus	0	1.7	lbs/day	Daily Max
9/30/2008	Total Phosphorus	0	0.47	mg/l	Daily Max
9/30/2008	Total Phosphorus	0	1.7	lbs/day	Monthly Avg
9/30/2008	Total Phosphorus	0	0.47	mg/l	Monthly Avg
10/31/2008	Total Phosphorus	0	6.71	lbs/day	Daily Max
10/31/2008	Total Phosphorus	0	2.18	mg/l	Daily Max
10/31/2008	Total Phosphorus	0	6.71	lbs/day	Monthly Avg
10/31/2008	Total Phosphorus	0	2.18	mg/l	Monthly Avg
11/30/2008	Total Phosphorus	0	0.466	lbs/day	Daily Max
11/30/2008	Total Phosphorus	0	0.15	mg/l	Daily Max
11/30/2008	Total Phosphorus	0	0.111	lbs/day	Monthly Avg
11/30/2008	Total Phosphorus	0	0.15	mg/l	Monthly Avg
12/31/2008	Total Phosphorus	0	0.165	lbs/day	Daily Max
12/31/2008	Total Phosphorus	0	0.23	mg/l	Daily Max
12/31/2008	Total Phosphorus	0	0.033	lbs/day	Monthly Avg
12/31/2008	Total Phosphorus	0	0.23	mg/l	Monthly Avg
1/31/2009	Total Phosphorus	0	0.8	lbs/day	Daily Max
1/31/2009	Total Phosphorus	0	0.54	mg/l	Daily Max
1/31/2009	Total Phosphorus	0	0.8	lbs/day	Monthly Avg
1/31/2009	Total Phosphorus	0	0.54	mg/l	Monthly Avg
2/28/2009	Total Phosphorus	0	1.151	lbs/day	Daily Max
2/28/2009	Total Phosphorus	0	0.34	mg/l	Daily Max
2/28/2009	Total Phosphorus	0	0.288	lbs/day	Monthly Avg
2/28/2009	Total Phosphorus	0	0.34	mg/l	Monthly Avg

